

**HIGHER EDUCATION,
TECHNICAL, AND
CULTURAL
SUBCOMMITTEE
RECOMMENDATIONS
TO THE
PROVISO
SUBCOMMITTEE**

**HIGHER EDUCATION, TECHNICAL, AND CULTURAL SUBCOMMITTEE
RECOMMENDATIONS FOR FY 2010-11
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SECTION 2 - H66 -LOTTERY EXPENDITURE ACCOUNT

- 2.2 AMEND** (SDE Lottery Carry Forward) Authorizes the Department of Education to carry forward unexpended lottery funds and to expend the funds for expenditures that were incurred in the prior fiscal year or for the same purpose in the current fiscal year.

SUBCOMMITTEE RECOMMENDATION: AMEND proviso to delete the authority for the department to utilize the funds carried forward and instead require the department transfer unexpended funds to CHE for Life Scholarships and Palmetto Fellows. Fiscal Impact: No impact on the General Fund.

2.2.(LEA: SDE Lottery Carry Forward) The Department of Education is authorized to carry forward and expend any unexpended balances of lottery funds from the prior fiscal year into the current fiscal year ~~for expenditures incurred in the prior fiscal year or to be expended for the same purpose.~~ The department shall transfer these funds to the Commission on Higher Education which shall utilize these funds for Life Scholarships and Palmetto Fellows.

- 2.5 DELETE** (FY 09-10 Lottery Funding) Directs expenditure of lottery funds for Fiscal Year 09-10

SUBCOMMITTEE RECOMMENDATION: DELETE proviso. Fiscal Impact: No impact on the General Fund.

2.5.(LEA: FY 09-10 Lottery Funding) ~~There is appropriated from the Education Lottery Account for the following education purposes and programs and funds for these programs and purposes shall be transferred by the Budget and Control Board as directed below. These appropriations must be used to supplement and not supplant existing funds for education.~~

~~The Budget and Control Board is directed to prepare the subsequent Lottery Expenditure Account detail budget to reflect the appropriations of the Education Lottery Account as provided in this section.~~

~~All Education Lottery Account revenue shall be carried forward from the prior fiscal year into the current fiscal year including any interest earnings, which shall be used to support the appropriations contained below.~~

~~For Fiscal Year 2009-10 certified net lottery proceeds and investment earnings and any other proceeds identified by this provision are appropriated as follows:~~

- ~~(1) Commission on Higher Education Tuition Assistance
Two-Year Institutions.....\$ 47,000,000;~~
- ~~(2) Commission on Higher Education LIFE Scholarships as
provided in Chapter 149 of Title 59\$ 85,256,682;~~
- ~~(3) Commission on Higher Education HOPE Scholarships as
provided in Section 59-150-370\$ 7,823,474;~~
- ~~(4) Commission on Higher Education Palmetto Fellows
Scholarships as provided in Section 59-104-20\$ 30,277,240;~~
- ~~(5) Commission on Higher Education Need-Based Grants.....\$ 11,631,566;~~
- ~~(6) Tuitions Grants Commission Tuition Grants.....\$ 7,766,604;~~
- ~~(7) Commission on Higher Education National Guard Tuition
Repayment Program as provided in Section 59-111-75\$ 1,700,000;~~
- ~~(8) South Carolina State University\$ 2,500,000;~~
- ~~(9) Technology Public 4 Year Universities, 2 Year
Institutions, and State Technical Colleges.....\$ 3,852,636;~~

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- (10) ~~Department of Education—K-5 Reading, Math, Science & Social Studies Program as provided in Section 59-1-525~~\$ ~~41,891,798;~~
(11) ~~Department of Education—Grades 6-8 Reading, Math, Science & Social Studies Program~~\$ ~~2,000,000;~~
(12) ~~Commission on Higher Education—Higher Education Excellence Enhancement Program~~\$ ~~4,700,000; and~~
(13) ~~School for the Deaf and the Blind—Technology Replacement.....~~\$ ~~200,000.~~

~~Fiscal Year 2009-10 funds appropriated to the Commission on Higher Education for Tuition Assistance must be distributed to the technical colleges and 2-year institutions as provided in Section 59-150-360.~~

~~Of the funds appropriated to South Carolina State University, \$250,000 may be used for the BRIDGE Program.~~

~~The provisions of Section 2-75-30 of the 1976 Code regarding the aggregate amount of funding provided for the Centers of Excellence Matching Endowment are suspended for the current fiscal year.~~

~~The Commission on Higher Education is authorized to temporarily transfer funds between appropriated line items in order to ensure the timely receipt of scholarships and tuition assistance. It is the goal of the General Assembly to fund the Tuition Assistance program at such a level to support at least \$996 per student per term for full time students.~~

~~Fiscal Year 2009-10 net lottery proceeds and investment earnings in excess of the certified net lottery proceeds and investment earnings for this period are appropriated and must be used to ensure that all LIFE, Palmetto Fellows, and HOPE scholarships for Fiscal Year 2009-10 are fully funded.~~

~~If the lottery revenue received for Fiscal Year 2009-10 is less than the amounts appropriated, the projects and programs receiving appropriations for any such year shall have their appropriations reduced on a pro-rata basis, except that a reduction must not be applied to the funding of LIFE, HOPE, and Palmetto Fellows Scholarships.~~

~~The Commission on Higher Education is authorized to use up to \$260,000 of the funds appropriated in this provision for LIFE, HOPE, and Palmetto Fellows scholarships to provide the necessary level of program support for the scholarship award process.~~

~~For Fiscal Year 2009-10, \$8,400,000 certified from unclaimed prizes shall be appropriated as follows: \$5,722,729 to the Department of Education for K-5 Reading, Math, Science & Social Studies Program as provided in Section 59-1-525 and \$2,677,271 for Technology: Public 4-Year Universities, 2-Year Institutions, and State Technical Colleges. The allocations of Section 59-150-230(I) of the 1976 Code are suspended for the current fiscal year. Of any unclaimed prize funds available in excess of the Board of Economic Advisors estimate, the first \$2,000,000 shall be directed to the State Board for Technical and Comprehensive Education for the CATT/ReadySC Program. The next \$4,000,000 shall be directed to the State Board for Technical and Comprehensive Education for the Allied Health Initiative. The next \$5,470,093 shall be directed for Technology: Public 4-Year Universities, 2-Year Institutions, and State Technical Colleges. The next \$1,000,000 shall be directed to the Commission on Higher Education for the Critical Needs Nursing Initiative Fund—Simulation Technology and Equipment. All additional revenue in excess of the amount certified by the Board of Economic Advisors for unclaimed prizes shall be distributed to the Commission on Higher Education for LIFE, Palmetto Fellows, and HOPE scholarships.~~

~~Notwithstanding the provisions of Section 59-150-355 of the 1976 Code or any other provision of law, the Budget and Control Board may distribute funds from the Education Lottery Account on a monthly basis during the final quarter of the fiscal year.~~

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SECTION 6 - H03 - COMMISSION ON HIGHER EDUCATION

- 6.21 AMEND** (Tuition Age) Suspends, for FY 09-10, the tuition free age limit for children of certain war veterans who may be admitted to any state-supported institution of higher learning or post high school technical education institution for eligible children who successfully appeal the Division of Veteran's Affairs on the grounds of a serious extenuating health condition.
SUBCOMMITTEE RECOMMENDATION: AMEND proviso to change "2009-10" to "2010-11."

6.21. (CHE: Tuition Age) For Fiscal Year ~~2009-10~~ 2010-11, the age limitation for those children of certain war veterans who may be admitted to any state-supported college, university, or post high school technical education institution free of tuition is suspended for eligible children that successfully appeal the Division of Veterans Affairs on the grounds of a serious extenuating health condition.

- 6.24 AMEND** (Religious Activities) Directs that for FY 09-10, state supported higher education institutions that receive Federal Stimulus Stabilization funds must continue to support, operate, and maintain existing religious programs, instruction, and facilities used for religious activities.
SUBCOMMITTEE RECOMMENDATION: AMEND proviso to change "2009-2010" to "2010-11."

6.24. (CHE: Religious Activities) For Fiscal Year ~~2009-2010~~ 2010-11, state supported higher education institutions receiving Federal Stimulus Stabilization funds must continue to support, operate and maintain existing religious programs, instruction, and facilities used for religious activities.

- 6.25 AMEND** (Scholarships Funded From Unclaimed Capital Credits) Allows businesses identified in Section 27-18-30(C) [PROPERTY PRESUMED ABANDONED; DEMAND FOR PAYMENT NOT REQUIRED] who have used unclaimed capital credits to contribute to a scholarship program at a higher education institution for the last five consecutive years to continue to fund scholarships awarded prior to the 2009-10 academic year. Directs that these funds are exempt from the provisions of Section 27-18-30(C) if the reporting requirements of Section 27-18-180 [REPORT OF UNCLAIMED PROPERTY; NOTICE TO APPARENT OWNER] are met.
SUBCOMMITTEE RECOMMENDATION: AMEND proviso to change "2009-2010" to "2010-11." Fiscal Impact: No impact on the General Fund.

6.25. (CHE: Scholarships Funded From Unclaimed Capital Credits) For the current fiscal year, businesses identified in Section 27-18-30(C) of the 1976 Code who have contributed to a scholarship program at an institution of higher education in South Carolina from unclaimed capital credits for the last five consecutive years may continue to fund the scholarships for those students who were awarded scholarships prior to the ~~2009-2010~~ 2010-11 academic year, and such funds are exempt from the provisions of Section 27-18-30(C) provided that the reporting requirements of Section 27-18-180 are met.

SECTION 15 - H45 - UNIVERSITY OF SOUTH CAROLINA

- 15.1 AMEND** (Palmetto Poison Control Center) Directs USC to spend at least \$150,000 on the Palmetto Poison Control Center.

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SUBCOMMITTEE RECOMMENDATION: AMEND proviso to delete previous authority and instead prohibit Palmetto Poison Center funding from being used for any other purposes. *There is already a specific line item for the center that is more than the amount mentioned in the proviso.* Fiscal Impact: No impact on the General Fund. Requested by University of South Carolina, Columbia Campus.

15.1. (USC: Palmetto Poison Control Center) ~~Of the funds appropriated or authorized herein, the University of South Carolina shall expend at least \$150,000 on the Palmetto Poison Control Center. The special item funding appropriated to the University of South Carolina Columbia for the Palmetto Poison Center shall not be used for any other purposes.~~

- 15.3** **DELETE** (School Improvement Council) Directs that \$100,000 of USC, Columbia Campus funds be used for the School Improvement Council
SUBCOMMITTEE RECOMMENDATION: DELETE proviso. Fiscal Impact: No impact on the General Fund.

15.3. (USC: School Improvement Council) ~~Of the funds appropriated to the University of South Carolina Columbia Campus, \$100,000 shall be used for the School Improvement Council.~~

- 15.4** **DELETE** (Beaufort Campus - Penn Center) Prohibits Penn Center Project special funds from being used for any other purpose.
SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Funding was deleted by the General Assembly in FY 08-09. Program no longer exists.* Fiscal Impact: No impact on the General Fund. Requested by University of South Carolina, Beaufort Campus.

15.4. (USC: Beaufort Campus - Penn Center) ~~The special item funding appropriated to the University of South Carolina Beaufort for the Penn Center Project shall not be used for any other purposes.~~

- 15.5** **DELETE** (Spartanburg Campus - Permanent Improvement Project) Renames the "New Library/Technology/Information Center \$5,000,000" capital improvement project listed in the Capital Improvement Bond subsection (A)(3)(j) of Act 1 of 2001 to read "Health Education Complex/Academic and Student Services \$5,000,000."
SUBCOMMITTEE RECOMMENDATION: DELETE proviso. Fiscal Impact: No impact on the General Fund.

15.5. (USC: Spartanburg Campus - Permanent Improvement Project) ~~The project titled "New Library/Technology/Information Center \$5,000,000" for the University of South Carolina Spartanburg and listed in the section authorizing Capital Improvement Bond in subsection (A)(3)(j) of Act 1 of 2001 is amended to read "Health Education Complex/Academic and Student Services \$5,000,000."~~

SECTION 17 - H54 - MEDICAL UNIVERSITY OF SOUTH CAROLINA

- 17.3** **AMEND** (Preterm Birth Prevention) Directs MUSC, for FY 09-10, to implement a preterm prevention case management program using a disease management coordination network for the Medicaid fee for service population in the Low Country Perinatal Region. Directs that the purpose of the program is to reduce premature births, neonatal morbidity and mortality, and the

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attendant costs for neonatal intensive care. Requires the Department of Health and Human Services to provide administrative funding to MUSC for the cost of the program.

SUBCOMMITTEE RECOMMENDATION: AMEND proviso to change "2009-10" to "2010-11." Fiscal Impact: No impact on the General Fund.

17.3. (MUSC: Preterm Birth Prevention) For Fiscal Year ~~2009-10~~ 2010-11, the Medical University of South Carolina shall implement a preterm prevention case management program utilizing a disease management coordination network for the Medicaid fee for service population in the Low Country Perinatal Region. The purpose of the program is to reduce premature births, neonatal morbidity and mortality, and the attendant costs for neonatal intensive care. The Department of Health and Human Services shall provide administrative funding to the Medical University of South Carolina for the cost of this program.

SECTION 18 - H59 - STATE BOARD FOR TECHNICAL & COMPREHENSIVE EDUCATION

- 18.4** **DELETE** (Chester Technology Center) Authorizes York Technical College to supplement the current Chester Technology Center project budget from local or other college institutional funds in an amount sufficient to complete the project based the current projected cost of \$8,500,000. Directs that completion must be conducted in a manner that meets the college's instructional needs and schedule. Directs that to the extent additional state funds are provided, they may be used to reimburse the local or college institutional funds.

SUBCOMMITTEE RECOMMENDATION: DELETE proviso. Fiscal Impact: No impact on the General Fund.

~~**18.4.** (TEC: Chester Technology Center) York Technical College is authorized to supplement the current project budget from local or other college institutional funds for the Chester Technology Center in an amount sufficient to complete the project based on competitive bids with a current projected cost of \$8,500,000. The completion must be conducted in a manner that meets the college's instructional needs and schedule. To the extent additional state funds are provided, such funds may be used to reimburse the local or college institutional funds.~~

- 18.6** **DELETE** (Financial and Human Resource Functions Consolidation Plan) Directs the State Board for Technical and Comprehensive Education to develop a plan to consolidate financial and human resources functions, where possible, between like technical college institutions. Requires the plan, including an estimate of the cost savings, be submitted to the Chairmen of the Senate Finance and House Ways and Means Committees by December 31, 2009.

SUBCOMMITTEE RECOMMENDATION: DELETE proviso. Fiscal Impact: No impact on the General Fund.

~~**18.6.** (TEC: Financial and Human Resource Functions Consolidation Plan) The State Board for Technical and Comprehensive Education is directed to develop a plan to consolidate financial and human resources functions, where possible, between like institutions of the state's technical college system. This plan, including an estimate of the cost savings, must be submitted to the Chairman of the Senate Finance Committee and the House Ways and Means Committee no later than December 31, 2009.~~

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SECTION 29 - H87 - STATE LIBRARY

29.don ADD(Donations) SUBCOMMITTEE RECOMMENDATION: ADD new proviso to authorize the State Library to accept donations and to use these funds for administration, operation, and programs. Authorize unexpended funds to be carried forward. *Enable the agency to accept donations to enhance operations.* Fiscal Impact: No impact on the General Fund. Requested by State Library.

29.don. (LIB: Donations) The State Library may accept donation funds to be used for administration, operation, and programs from any donor source. Unexpended funds shall be carried forward from the prior fiscal year into the current fiscal year.

SECTION 89 - X90 - GENERAL PROVISIONS

89.45 DELETE (Forego Salary Increase) Allows higher education institutions, including PSA agencies, employees, staff and/or faculty to request to voluntarily forego the FY 2005-06 general or merit salary increase and to have the funds remain in the base budget of their institution. Prohibits an employee, staff, or faculty from foregoing this increase if they would then earn below the minimum of his pay band.
SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Technical. Proviso was specifically for FY 05-06.* Fiscal Impact: No impact on the General Fund.

~~**89.45. (GP: Forego Salary Increase) Employees, staff and/or faculty of Higher Education Institutions, including Public Service Activities agencies, may request to voluntarily forego the Fiscal Year 2005-06 general or merit salary increase and have the funds appropriated for that increase remain in the base budget of the institution or agency; however, no employee, staff or faculty may voluntarily forego this increase if the employee, faculty or staff would then earn below the minimum of his pay band.**~~

89.78 AMEND (LightRail) Authorizes and directs the three research universities, Clemson, MUSC, and USC-Columbia to plan, procure, administer, oversee, and manage all functions associated with the S.C. LightRail [HIGH SPEED INTERNET] and directs that they are exempt from the oversight and project management regulations of the B&C Board, Division of State Information Technology. Directs that S.C. LightRail is an academic network for the use of the state's 3 research universities for the exchange of information directly related to their mission and must not carry commercial or K-12 traffic originated in S.C. Directs that for FY 09-10 public or private organizations and entities may be provided access only through formal documented partnerships with one or more of the 3 research universities. Directs that a report be submitted on February 1, 2010 that identifies each entity with access to the network and any payment including without limitation in-kind payment, each organization and entity is making for network access.
SUBCOMMITTEE RECOMMENDATION: AMEND proviso to update fiscal year reference from "2009-10" to "2010-11" and calendar year references from "2010" to "2011." Fiscal Impact: No impact on the General Fund.

89.78. (GP: LightRail) Pursuant to this provision the three research universities: Clemson University, the Medical University of South Carolina, and the University of South Carolina-Columbia, are authorized and directed to plan, procure, administer, oversee, and manage all functions associated with the South Carolina LightRail and are thereby exempt from

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the oversight and project management regulations of the Budget and Control Board, Division of State Information Technology. South Carolina LightRail is an academic network for the use of the state's three research universities for the exchange of information directly related to their mission and must not carry commercial or K-12 traffic originated in South Carolina. For Fiscal Year ~~2009-10~~ 2010-11, public or private organizations and entities may be provided access only through formal documented partnerships with one or more of the three research universities. On February 1, ~~2010~~ 2011, the entity managing the network must submit to the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee a report specifically identifying each entity with access to the network and any payment, including without limitation in-kind payment, that each such organization and entity is making for access to the network.

89.bt ADD (Board of Trustees Political Contributions Prohibition) SUBCOMMITTEE RECOMMENDATION: ADD new proviso to prohibit a person who seeks election as a board of trustee member at a state supported college or university, whose office is filled by a joint vote of the General Assembly, from making a political contribution to a member of or candidate for the General Assembly once the board of trustee candidate files a notice of intent to seek office. Direct that this prohibition continues through either the date the election is held to fill the office or the date the person seeking the office withdraws from the race, whichever occurs first. Require the person filing the notice of intent to attach a signed statement that they are aware of and will comply with the prohibition. Fiscal Impact: No impact on the General Fund.

89.bt. (GP: Board of Trustees Political Contributions Prohibition) A person seeking election as a member of the board of trustees of a state-supported college or university when that office is filled by a joint vote of the General Assembly is prohibited from making a political contribution to a member of the General Assembly or candidate for the General Assembly after filing a notice of intention to seek the office with the joint screening committee established pursuant to Chapter 20, Title 2 of the 1976 Code. This prohibition on contributions continues through the earlier of: (1) the date the election is held to fill the office; or (2) the date the person seeking the office withdraws from the race. Every person filing the notice of intention described above shall attach to the notice a separate statement signed by the person that the person is aware of and will comply with the prohibition on contributions imposed by this paragraph.